

**Enrolled Minutes of the Fifty-Eighth Regular or Special Meeting
For the Twenty-Seventh Highland Town Council
Regular Meeting
Monday, April 14, 2014**

Study Session. The Twenty-Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, April 14, 2014 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dennis Adams, Konnie Kuiper and Dan Vassar were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent regular meeting.
2. The Town Council discussed the variance petition to be considered during the meeting as filed by LAMAR Outdoor Advertising. The discussion included how the matter involved an existing sign.
3. The Town Council discussed the proposal for website redesign and maintenance services as proposed by *The Idea Factory* for the consideration of the Town Council. The discussion included seeking a clarification on the terms from Robin Carlascio of the Idea Factory. The discussion included whether a general call for proposals would be desirable.

The study session ended at 7:10 O'clock p.m.

Regular meeting. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, April 14, 2014 at 7:11 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Dan Vassar, presided and the Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dennis Adams, Konnie Kuiper and Dan Vassar. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter Hojnicki, Metropolitan Police Chief; Kenneth Mika, Building Commissioner; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also present: Steve Mileusnich of the Advisory Board of Zoning Appeals; Jared Tauber, Attorney at Tauber Law Offices; Ed Dabrowski IT Director (Contract); Kelly Bridges of the Community Events Commission; Randy Bowman, Assistant Inspector for Electrical; Greg Cieslak, Mark Knesek, and Rich Garza of the Board of Sanitary Commissioners; and Robert Tweedle, Sanitary District Attorney; and Terry Hodnik, P.E., Engineer to the Sanitary District, were also present.

Minutes of the Previous Meetings:

The minutes of the regular meeting of March 24, 2014 were approved by general consent.

Special Orders:

1. **Public Hearing:** Proposed Additional Appropriations in Excess of the 2014 Budget for the Fire Department and the Works Board and Services Department of the Corporation General Fund as well as the Sanitary District Special Operating Fund.
 - (a) Attorney verification of Proofs of Publication: The TIMES 31 March 2014. The Town Attorney found the proofs to be in compliance with IC 5-3-1.
 - (b) **Public Hearing.** The Town Council President opened the hearing. There were no public comments and the hearing was closed.
 - (c) Action on **Appropriation Enactment No. 2014-14: An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the Fire and Works Board and Services Departments of the Corporation General Fund and the Sanitary District Special Operating Fund, all pursuant to I.C. 6-1.1-18, I.C. 36-5-3-5, et seq.**

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Appropriation Enactment No. 2014-14. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Appropriation Enactment No. 2014-14. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
APPROPRIATION ENACTMENT
Enactment No. 2014-14**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET FOR THE FIRE AND WORKS BOARD AND SERVICES DEPARTMENTS OF THE CORPORATION GENERAL FUND AND THE SANITARY DISTRICT SPECIAL OPERATING FUND, ALL PURSUANT TO I.C. 6-1.1-18, I.C. 36-5-3-5, ET SEQ.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **Fire Department and the Works Board and Services Department of the Corporation General Fund as well as the Sanitary District Special Operating Fund;**

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levy set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Fire Department and the Works Board and Services Department of the Corporation General Fund** and for the purposes herein specified, subject to the laws governing the same:

CORPORATION GENERAL FUND:

Increase the following Accounts:

Fire Department

Acct. No. 3XX.XX Communications Services	\$ 3,424.00
Total 300 Series:	\$ 3,424.00

Works Board and Services Department

Acct. No. 340.05 Excess Liability	\$ 873.48
Acct. No. 340.06 Insurance Deductible	\$ 10,501.80
Acct. No. 350.01 Electric	\$ 210,890.90
Acct. No. 350.02 Street Light Elect. Services	\$ 28,081.32
Acct. No. 380.05 Contractual Services	\$ 28,468.50
Total 300 Series:	\$ 278,816.00

Total Increase for Fund: \$ 282,240.00

Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Sanitary District Special Operating Fund** and for the purposes herein specified, subject to the laws governing the same:

SANITARY DISTRICT SPECIAL OPERATING FUND:

Increase the following Account:

Acct. No. 380.01 Solid Waste Services	\$ 54,237.00
Total 300 Series:	\$ 54,237.00

Total Increase for Fund: \$ 54,237.00

Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Indiana Department of Local Government Finance of this action and that these moneys be made available for expenditure **subject to an order** of the Commissioner, pursuant to IC 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14 Day of April 2014. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED, ENACTED AND ADOPTED this 14th Day of April 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. Public Hearing: Proposed Additional Appropriations in Excess of the 2014 Budget for the General Improvement Fund and the Municipal Cumulative Street Fund.

- (a) Attorney verification of Proofs of Publication: The TIMES 31 March 2014. The Town Attorney found the proofs to be in compliance with IC 5-3-1.
- (b) **Public Hearing.** The Town Council President opened the hearing. There were no public comments and the hearing was closed.
- (c) Action on **Appropriation Enactment No. 2014-15:** An Enactment Appropriating Additional Moneys in Excess of the Annual Budget for the General Improvement Fund and Municipal Cumulative Street Fund, all pursuant to I.C. 6-1.1-18, and I.C. 36-5-3-5.

Councilor Herak introduced and moved the consideration at the same meeting of introduction of Appropriation Enactment No. 2014-15. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of introduction of Appropriation Enactment No. 2014-15. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was adopted at the same meeting of its introduction.

**Town of Highland
Appropriation Enactment
Enactment No. 2014-15**

AN ENACTMENT APPROPRIATING ADDITIONAL MONEYS IN EXCESS OF THE ANNUAL BUDGET for the GENERAL IMPROVEMENT FUND AND THE MUNICIPAL CUMULATIVE STREET FUND, ALL PURSUANT TO I.C. 6-1.1-18, and I.C. 36-5-3-5.

WHEREAS, Following a public hearing advertised pursuant to I.C. 5-3-1, it has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget for the **General Improvement Fund and the Municipal Cumulative Street Fund**;

WHEREAS, It has been determined that such additional appropriations as may be approved by this enactment, will not increase the levies set under I.C. 6-1.1-17, all pursuant to I.C. 36-5-3-5;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **General Improvement Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

GENERAL IMPROVEMENT FUND

Increase

Acct. No. 3XX.XX Record /Releasing Liens:	\$ 5,000.00
<i>Total Series:</i>	\$ 5,000.00

Fund Total:	\$ 5,000.00
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Section 2. That for the expenses of said municipality, the following additional sums of money are hereby appropriated and ordered set apart out of the **Municipal Cumulative Street Fund** herein named and for the purposes herein specified, subject to the laws governing the same:

MUNICIPAL CUMULATIVE STREET FUND

Increase

Acct. No. 4XX.XX Sidewalks:	\$25,000.00
<i>Total Series:</i>	\$25,000.00

Fund Total:	\$25,000.00
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Fund Total:	\$25,000.00
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Section 3. That the Clerk-Treasurer is hereby authorized and instructed to inform the Department of Local Government Finance of this action and that these monies be made available for expenditure pursuant to I.C. 6-1.1-18.

Section 4. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14th Day of April 2014. Consideration on the same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this 14th Day of April 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

ATTEST:

**Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)**

3. **Advisory Board of Zoning Appeals Docket:** Petition for a Use Variance for property located 9922 Express Drive, **Highland**, to allow petitioner to Upgrade an Existing Non-Conforming Off-Premises Advertising Sign, all within a location zoned AI-1 Light Industrial District. Petitioner: **LAMAR OUTDOOR ADVERTISING, 1770 W. 41st Avenue, Gary, Indiana 46408**. The Advisory Board of Zoning Appeals by a vote of five (5) in favor and zero (0) opposed acted to **favorably recommend the request for the use variance** for the property. The ABZA acted at its meeting of 26 February 2014. The findings of fact were memorialized and the board approved the facts in written form at its meeting of 26 March 2014. (90 days ends 27 May 2014).

*Pursuant to IC 36-7-4-918.6, the Town Council may either **accept the favorable recommendation** and GRANT the requested use variance or it may **reject (over rule) the favorable recommendation** and DENY the use variances. If not acted upon by the Town Council within the 90 days described above, the action of the Advisory Board of Zoning Appeals stands.*

Councilor Herak moved to reject the favorable recommendation of the Advisory Board of Zoning Appeals and deny the use variance as requested by the petitioner. Having not garnered a second, the motion was not considered.

Councilor Zemen moved to accept the favorable recommendation of the Advisory Board of Zoning Appeals and grant the use variance as requested by the petitioner. Councilor Kuiper seconded. Upon a roll call vote, there were three affirmatives and two negatives. With Councilors Zemen, Kuiper and Adams voting in the affirmative and Councilors Herak and Vassar voting in the negative, the motion passed. The use variance was granted.

Staff Reports:

The Clerk-Treasurer noted that the Building and Inspection as well as the Fire Department Reports for the Month of March would be filed at a future meeting. He then read the following reports into the record.

• Workplace Safety Report for March 2014

There was one incident. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2014	Total in 2013	Restricted Days 2014	Lost Workdays This Year (2014)	Restricted Days Last Year (2013)	Lost Workdays Last Year (2013)
Parks	0	0	2	0	0	0	0
Fire	0	0	1	0	0	0	0
Police	0	2	8	0	1	0	0
Street	0	0	4	0	0	43	0
Water & Sewer	0	3	3	2	12	106	0
Maint.	1	2	0	0	0	0	0
Other	0	1	4	0	0	0	0
TOTALS	1	8	22	2	13	149	0

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Appointments:

Regional Statutory Commissions or Boards

1. **Economic Development Commission:** (1) appointment to be made by Town Council President. *(Note: The position is an appointee of the Town Council President. The term*

begins February 1. Formerly serving, Matt Reardon On 4-02-2014 holding over provision expired.)

The Town Council President as municipal executive announced his re-appointment of **Matt Reardon**, 1336 Fran-Lin Parkway Drive, Munster, Indiana to serve on the Economic Development Commission.

Unfinished Business and General Orders:

1. **Special Grant Appropriation Enactment No. 2014-16:** An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to I.C. 6-1.1-18-7.5, I.C. 36-5-3-5 et seq.

Councilor Herak introduced and moved the consideration at the same meeting of its introduction of Enactment No. 2014-16. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of its introduction of Enactment No. 2014-16. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**TOWN OF HIGHLAND
APPROPRIATION ENACTMENT
ENACTMENT NO. 2014-16**

An Enactment Appropriating Additional Monies in Excess of the Annual Budget From Monies Received as a Grant from the State or Federal Government, pursuant to i.c. 6-1.1-18-7.5, i.c. 36-5-3-5 et seq.

WHEREAS, IC 6-1.1-18-7.5 provides that notwithstanding any other law, the appropriating body of a political subdivision may appropriate any funds received as a grant from the state or the federal government without using the additional appropriation procedures under IC 6-1.1-18-5, if the funds are provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

WHEREAS, The Town Council has been informed of the receipt of funds from a grant of the **Federal High Intensity Drug Traffic Area Domestic Highway Enforcement Task Force**, representing services from October, November and December 2013, particularly represented on Clerk-Treasurer's receipt number 150637 in the amount of **\$105.76, receipt number 156311** in the amount of **\$521.20, and receipt number 166639** in the amount of **\$507.33** as reimbursement in support of overtime costs for detailed personnel and certain equipment maintenance;

WHEREAS, The Town Council has been further informed that these funds were provided or designated by the state or the federal government as a reimbursement of an expenditure made by the political subdivision;

NOW, THEREFORE BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That for the actual overtime personnel expenses of said municipality related to the Domestic Highway Enforcement Initiative (DHE) funded by **Federal High Intensity Drug Traffic Area** to reimburse the municipality for its actual over time expenses incurred by the assigned person, or for equipment maintenance, the following additional sums of money, received as a grant from the state or the federal government and designated as a reimbursement of an expenditure made by the political subdivision, are hereby appropriated and ordered set apart out of the funds herein named:

CORPORATION GENERAL FUND

Metropolitan Police Department

Increase Account: #111.30 Sworn Overtime	<u>\$ 853.48</u>
Total 100 Series Increases	<u>\$ 853.48</u>

Increase Account: #360.01 Equipment Maintenance	\$ 280.81
Total 300 Series Increases	\$ 280.81

Total of All Fund Increases:	\$1,134.29
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Section 2. That in satisfaction and for the purposes of the provisions set out in I.C. 36-5-2-9.6, I.C. 36-5-3-5, I.C. 36-5-4-2, this enactment shall be deemed properly filed and introduced before the Town Council at a regular or special meeting, properly called and convened pursuant to I.C. 5-1.5-14 *et seq.*

Introduced and Filed on the 14th day of April 2014. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 14th Day of April 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Enactment No. 2014-17:** An Enactment Regarding The Disposition Of The Safe Neighborhood Grant Fund, As A Dormant Fund, Pursuant To IC 36-1-3 *et Sequitur*.

Councilor Herak introduced and moved the consideration at the same meeting of its introduction of Enactment No. 2014-17. Councilor Adams seconded. Upon a roll call vote, a unanimous vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment could be considered at the same meeting of its introduction.

Councilor Herak moved the passage and adoption at the same meeting of its introduction of Enactment No. 2014-17. Councilor Adams seconded. Upon a roll call vote, a two-thirds vote being necessary, there were five affirmatives and no negatives. The motion passed. The enactment was passed and adopted at the same meeting of its introduction.

**TOWN of HIGHLAND
Enactment No. 2014-17**

**AN ENACTMENT REGARDING THE DISPOSITION OF THE SAFE NEIGHBORHOOD GRANT FUND,
AS A DORMANT FUND, PURSUANT TO IC 36-1-3 ET SEQUITUR.**

WHEREAS, The Town of Highland is a local unit of general government governed by a Town Council, which is both the fiscal and legislative body of the Town;

WHEREAS, IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs;

WHEREAS, IC 36-1-3-6 (b)(1) prescribes that any such exercise of power shall be authorized through enactment of an ordinance passed by the legislative body;

WHEREAS, I.C. 36-1-8-5 provides expressly for the transfer of dormant fund balances existing in funds of the municipality which raised funds through either a general or special tax levy but is silent for those funds whose balances were not raised from any general or special tax levy as well as silent as to the issue of debit balanced in governmental funds;

WHEREAS, The Town Council has been advised of a particular dormant fund balance of the unit which balance is currently on account to the municipality but was not raised by any general or special tax levy on the unit, so the provisions of IC 36-1-8-5 do not apply;

WHEREAS, The Town Council has been further advised the particular dormant fund balance is associated with the Safe Neighborhoods Grant Fund, which balance is currently on account to the municipality and is in a debit balance owing to a grant administrator processed refund and repayment to the grantor, concluding the grant sponsored activity or program;

WHEREAS, The purpose for which the grant proceeds were sought and expended in the Safe Neighborhood Grant Fund has been fulfilled or concluded, and there remains and unused, unencumbered debit balance in the fund in the amount of **(-\$3,401.34)**; and,

WHEREAS, The Town Council as the Fiscal and Legislative Body of the Municipality, desires to expunge or quash the debit balance and direct the defeasance of the fund,

NOW, THEREFORE, BE IT HEREBY ENACTED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council of the Town of Highland, as the fiscal body of the municipality now finds that the purposes for which Safe Neighborhood Fund was established has been fulfilled and that there exists a an unencumbered, unused, unreserved undesignated debit balance in the fund in the amount of **(-\$3,401.34)**;

Section 2. That the Town Council of the Town of Highland, as the fiscal and legislative body of the municipality now further finds and determines the following:

(A) That Account 230.04 associated with the Metropolitan Police Department in the Corporation General Fund, has a sufficient balance from which an offsetting credit balance may be drawn;

(B) That for the expenses of said municipality, the appropriations of money currently booked to the credit of Account 230.04 associated with the Metropolitan Police Department in the Corporation General Fund in the amount of \$3,401.34 is hereby transferred and set apart out of the funds named herein *to the credit of a new account* numbered 399.99 styled special transfer, which transferred appropriation shall increase the new account by the amount of \$3,401.34 for the purposes herein specified, subject to the laws governing the same;

Section 3. That the Clerk-Treasurer be hereby authorized and instructed to transfer from newly created **Account 399.99 Special Transfer**, the amount of **\$3,401.34** from the Town of Highland Metropolitan Police Department of the Corporation General Fund to the Safe Neighborhoods Grant Fund;

Section 4. That the Safe Neighborhoods Grant Fund be then defeased and abolished immediately following the transfer of the dormant fund but not before the annual audit performed by the Indiana State Board of Accounts for the year ended December 31, 2014.

Introduced and Filed on the 14th day of April 2014. Consideration on same day or at same meeting of introduction sustained a vote of 5 in favor and 0 opposed, pursuant to IC 36-5-2-9.8.

DULY ENACTED AND ADOPTED this 14th Day of April 2014, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Dan Vassar, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

3. **Works Board Order No. 2014-09:** An Order Authorizing And Approving A Revised Agreement Between The Idea Factory And The Town Of Highland To Perform Professional Communications And Media Design And Development Services For The Municipality.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2014-09. Councilor Zemen seconded.

Prior to the roll call, Councilor Herak moved to delay (postpone) consideration of the matter until such time as to allow for requests for qualifications or proposals to be solicited. Councilor Adams seconded. Upon a roll call vote, there were three negatives and two affirmatives. With Councilors Zemen, Kuiper and Vassar voting in the negative and Councilors Herak and Adams voting in the affirmative, the motion did not pass. The consideration of the order was not postponed.

Upon a roll call vote on the order adopting the revised agreement, there were three affirmatives and two negatives. With Councilors Zemen, Kuiper and Vassar voting in

the affirmative and Councilors Herak and Adams voting in the negative, the motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2014-09**

AN ORDER AUTHORIZING AND APPROVING AN REVISED AGREEMENT BETWEEN THE IDEA FACTORY AND THE TOWN OF HIGHLAND TO PERFORM PROFESSIONAL COMMUNICATIONS AND MEDIA DESIGN AND DEVELOPMENT SERVICES FOR THE MUNICIPALITY

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide greater information to the public regarding the operations and services of the municipality;

Whereas, The Town has heretofore determined that a need exists to engage professional communications and media design and development services to assist and support the provision of greater information to the public regarding the operations and services of the municipality;

Whereas, Robin A. Carlascio and Theresa K. Badovich, d.b.a The Idea Factory, a media development and design, communication consulting alliance, previously presented and the Town Council accepted a proposal to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter, which was approved by Worked Board Order No. 2013-72 on December 23, 2013 to be effective January 1, 2014;

Whereas, Robin A. Carlascio and Theresa K. Badovich, d.b.a The Idea Factory, a media development and design, communication consulting alliance, has requested an increase to the monthly fee for professional services owing to costs associated with the special art it purchases to be used in the monthly newsletters in the amount of \$250;

Whereas, As a purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section 3.05.090; and

Whereas, There are now or will soon be sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council acting as the Works Board now desires to accept and approve a revised agreement for services as herein described and the proposed monthly fees for services from the current \$1,500 to \$1,750.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the agreement (incorporated by reference and made a part of this Order) between **Robin A. Carlascio** and **Theresa K. Badovich** doing business as the **Idea Factory**, and the Town of Highland, to provide professional editorial services to assist and support the provision of greater information to the public regarding the operations and services of the municipality through the development and promulgation of a municipal newsletter for the period beginning **1 April 2014 through to 31 December 2014** as described herein is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, in the amount of *\$1,750 per issue*, which include publishing and coordinate a monthly newsletter to be distributed as an insert in the monthly utility invoice, and other related services are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section 3.05.090 of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid to **The Idea Factory**, after presentation of an invoice for services, following their delivery;

Section 4. That the Town Council President be authorized to execute this agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer;

Section 5. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 14th day of April 2014 having passed by a vote of 3 in favor and 2 opposed.

WORKS BOARD of the TOWN of
HIGHLAND, INDIANA

Dan Vassar, President (IC 36-5-2-10)

Attest:
Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

AGREEMENT

This Agreement made and entered into this ____ day of April 2014, by and between the **TOWN OF HIGHLAND, BY AND THROUGH ITS TOWN COUNCIL** (hereinafter referred to as the "Town"), and **ROBIN CARLASCIO and THERESA BADOVICH d/b/a THE IDEA FACTORY** (hereinafter referred to as "Idea Factory").

WITNESSETH THAT:

WHEREAS, The Town is interested engaging the services of Idea Factory for publishing and coordinating a monthly newsletter (Gazebo Express) to be distributed throughout the Town; and

WHEREAS, Idea Factory is interested in entering into such an agreement and engaging its services to publish and coordinate a monthly newsletter within the Town; and

WHEREAS, The parties wish to reduce their agreement to writing;

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, it is agreed as follows:

1. Idea Factory agrees to publish and coordinate a monthly newsletter (Gazebo Express) to be distributed in the Town of Highland.

2. The term of this Agreement shall be for the period beginning **April 1, 2014, through December 31, 2014**. This Agreement may be renewed by the Town of Highland from year to year based upon approval of the renewal term by the Town at the beginning of each fiscal year.

3. Idea Factory shall be paid for its services rendered pursuant to this Agreement, the sum of \$1,750.00 per issue and the monthly fees shall be payable to The Idea Factory at its business address, **1 Courthouse Square, Suite 207, Crown Point, Indiana 46307**.

4. This Agreement may be cancelled by either party upon such party providing the other party thirty (30) days written notice.

5. In the event the Town's appropriations are insufficient to pay the expenses of this Agreement, and upon thirty (30) days written notice being given by the Town to Idea Factory, this Agreement shall become null and void.

6. This Agreement shall be governed by the laws of the State of Indiana and shall be binding upon the parties' heirs, legal representatives, successors, and assigns.

7. That the Town Council President must approve a preliminary edition of the newsletter at least two weeks prior to publication.

IN WITNESS WHEREOF, this Agreement has been entered into between the parties this ____ day _____ 2014.

TOWN OF HIGHLAND

THE IDEA FACTORY

By: _____
Dan Vassar, President

Robin Carlascio

Attest: _____
Michael W. Griffin, Clerk-Treasurer

Theresa Badovich

This instrument prepared by: Rhett L. Tauber, Esq.
Tauber Westland & Bennett P.C.
1415 Eagle Ridge Drive
Schererville, Indiana 46375
(219) 865-8400

**CLAUSE (ADDENDUM) and AFFIDAVIT ADDENDUM TO BE ADDED TO CONTRACT FOR SERVICES
TO BE PROVIDED TO TOWN OF HIGHLAND
(as required by I.C. 22-5-1.7 -11, effective July 1, 2011)**

Verification of Work Eligibility Status

1. Theresa Badovich, authorized representative of Idea Factory, (hereinafter called "Contractor") understands and agrees that:

- (A) it is required to enroll in and verify the work eligibility status of all employees hired after the date of this contract through the E-Verify program.
- (B) This requirement shall be waived if the E-Verify program ceases to exist. For the purposes of this paragraph, the "E-Verify program" means the electronic verification of work authorization program of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 (P.L. 104-208), Division C, Title IV, s. 403(a), as amended, operated by the United States Department of Homeland Security or a successor work authorization program designated by the United States Department of Homeland Security or other federal agency authorized to verify the work authorization status of newly hired employees under the Immigration Reform and control Act of 1986 (P.L. 99-603); and

2. An authorized representative of the Contractor has signed the attached affidavit concerning the employment of unauthorized aliens.

This contract clause is developed pursuant to SEA 590 codified as IC 22-5-1.7-11 (a)(1).

Signature line

Title: _____

Date: _____

**AFFIDAVIT OF SERVICE PROVIDER or CONTRACTOR
WITH THE TOWN OF HIGHLAND, LAKE COUNTY, INDIANA
REGARDING HIRE OF UNAUTHORIZED ALIENS**

State of Indiana)
)
County of Lake) SS:

A F F I D A V I T

I, the undersigned, authorized representative, authorized officer or agent of **Idea Factory**, hereinafter called "contractor", which has a contract for services or goods with the Town of Highland, Lake County, Indiana, having given solemn affirmation, hereby depose(s) and say(s), that the contractor does not knowingly employ an unauthorized alien.

FURTHERETH AFFIANT SAYETH NOT.

Signed: _____, Affiant.
NAME OF OFFICER, Authorized Representative

Certificate of Notary

On this ____ day of _____, 2014, before me personally came and appeared **the affiant herein named**, known and known to me to be the individual described in and who executed the foregoing instrument, and who duly acknowledged to me that she executed same for the purpose therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

My commission expires: _____.

County of Residence: _____.

(seal)

NOTARY

Affidavit pursuant to IC 22-5-1.7-11

4. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1531 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

4.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$300 for work associated with Highland Grove Mall Special Security performed in March.

Councilor Kuiper moved to authorize and approve the overtime payments as described above. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The overtime pay for the exempt salaried employee was approved.

5. Authorization for proper officer to advertise for additional appropriations in the Unsafe Building Fund in the amount of \$42,300 in support of demolition and razing of the building formerly hosting Chela's Restaurant, 3325 45th Street, Highland.

Councilor Herak moved to authorize the publication of notice for proposed additional appropriations in the Unsafe Building Fund in the amount of \$42,300. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication for the hearing was authorized.

6. Proposal from Idea Factory to perform professional Website Redesign and Maintenance Services.

Councilor Kuiper moved to approve the proposal submitted by the Idea Factory for Website redesign and maintenance services. Councilor Zemen seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The proposal was selected and the Idea Factory was engaged to perform website redesign and maintenance services.

Idea Factory Website Estimate and Proposal:

Comprehensive Town of Highland Website

Unit Price: \$ 1,000 per page
Cost: \$ 5,000

Five main pages to be MAIN, COMMUNITY, BUSINESS, GOVERNMENT, and NEWS.

Domain Name

Free with web hosting.

Unit Price: \$ 20 per year.
Cost: \$ 20 per year.

Private Domain Registration

Prevents spam and calls from telemarketers.

Unit Price: \$ 2.99 per month.
Cost: \$ 35.88 per year.

Website Template

New website template, one-time cost.

Unit Price: \$ 500.00
Cost: \$ 500.00

Admin Panel

Allows users to modify
Site directly from browser. One-time fee.

Unit Price: \$ 560.00
Cost: \$ 560.00

Estimated Cost: \$6,115.88

Option:

Weekly Updates
Unlimited updates include
Gathering information and photos and
Populating website to keep fresh.

Unit Price: \$ 125.00 per week
Cost: \$ 500.00 per month
\$ 6,000 per year

Comments from the Town Council Members
(For the Good of the Order)

- **Councilor Bernie Zemen:** *Chamber of Commerce Co-Liaison • Liaison to the Park and Recreation Board • Liaison to the Town Board of Metropolitan Police Commissioners.*

Councilor Zemen acknowledged Councilor Herak's birthday from April 10.

Councilor Zemen commended his radio program broadcast on local radio station WJOB 1230 AM on Tuesday at 8:30 a.m.

Councilor Zemen acknowledged the Parks and Recreation Superintendent who offered a brief survey of parks and recreation activity and projects, including a reminder of the annual Parks' Pride Day scheduled for April 26, from 9:00 to Noon.

- **Councilor Mark Herak:** *Liaison to the Board of Waterworks Directors • Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission.*

Councilor Herak expressed condolences to the Assistant Public Works Director, Bob Johnsen on the recent death of his father.

Councilor Herak acknowledged the Public Works Director who reported on the activities of the Waterworks District, the Sanitary District and the Streets Division.

Councilor Herak also noted members from the Board of Sanitary Commissioners who were present in order to brief it on projects and issues related to the plans to limit overflows and the status with the City of Hammond Sanitary District.

- **Councilor Dennis Adams:** *Liaison to the IT Consultant.*

Councilor Adams offered a brief status report on the progress of the Police Station Construction Project.

- **Councilor Konnie Kuiper:** *Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper engaged in a colloquy with the Building Commissioner regarding the site disposition following the demolition of the former Chela's Restaurant, 3325 45th Street, Highland. It was noted that there is planned in-fill for the basement.

- **Council President Dan Vassar:** *Municipal Executive • Chairman of the Board of Trustees of the Police Pension Fund (1925 Law) • Redevelopment Commission Liaison.*

Council President Vassar offered belated birthday greetings to Councilor Herak.

Councilor Vassar recognized the Redevelopment Director who offered a cursory overview of on-going redevelopment activities. She further noted a new applicant for the Facade Improvement Grant Program, for 2825 Highway Avenue, Highland.

Comments from Visitors or Residents:

1. Rick Volbrecht, 9221 Parkway Drive, Highland, commended the Town Council for the earlier effort to seek RFPs for the newsletter (Gazebo Express) content provider.

Further, Mr. Volbrecht expressed concern regarding what would have been the March Newsletter that was not inserted in that month's utility invoicing. Mr. Volbrecht stated his belief that the newsletter was withheld from the distribution owing to the inclusion of an advertisement that he characterized as "improper."

Mr. Volbrecht expressed disappointment that the Town Council was not more "forthright" regarding the matter.

Mr. Volbrecht inquired whether the invoice for the printing would be paid.

The Town Council President noted that there was a piece involving a Democratic Party Fundraiser. It was determined prudent to withdraw the newsletters. It was noted that the Clerk-Treasurer had advised that the printing could not be supported by public funds. The Town Council President indicated that public funds would not be used to pay the printing bill.

Councilor Zemen engaged in a colloquy with Mr. Volbrecht regarding the matter.

2. Shawn Pettit, LAMAR Advertising, expressed thanks for the Town Council's favorable action on LAMAR's petition for a use variance.
3. Kelly Bridges, 2939 Strong Street, Highland, President of the Community Events Commission, reported that the CEC had informally determined to plan and conduct a festival around the Labor Day Weekend. She further reported that she desired to meet with the Town Council as the CEC desired to host a beer tent as part of the event. It was noted that current ordinances prohibit alcoholic beverages in all parks.
4. Tom Black, 3515 Garfield Street, Highland, asked about penalties to which the Town may be subject for failure to update the treatment services agreement with the Hammond Sanitary District and whether current fees could be fixed or locked-in.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Kuiper moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period March 25, 2014 through April 14, 2014 as well as the payroll dockets for paydays of February 21 and March 21, 2014. Councilor Adams seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for vendors as well as the payroll dockets listed were allowed and the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$267,804.20; Motor Vehicle Highway and Street (MVH) Fund, \$45,780.53; Law Enforcement Training and Supply Fund, \$2,186.46; FSA Agency Fund, \$1,068.84; Insurance Premium Fund, \$141,547.12; Gasoline Fund, \$26,770.30; Information and Communications Technology Fund, \$5,463.44; Solid Waste District Grant Fund, \$750.00; Traffic Violations and Law Enforcement Agency Fund, \$13,716.00; Total: \$ 505,086.89.

Payroll Docket for payday of February 21, 2014:

Council, Boards and Commissions, \$8,404.00; Office of Clerk-Treasurer, \$13,598.18; Building and Inspection Department, \$7,492.91; Metropolitan Police Department, \$105,664.86; Fire Department, \$3,000.78; Public Works Department (Agency), \$68,483.76; and 1925 Police Pension Plan Pension Fund, \$63,239.63; Total Payroll: \$269,884.12.

Payroll Docket for payday of March 21, 2014:

Council, Boards and Commissions, \$10,139.00; Office of Clerk-Treasurer, \$13,037.88; Building and Inspection Department, \$7,681.53; Metropolitan Police Department, \$112,015.70; Fire Department, \$2,978.77; Public Works Department (Agency), \$64,003.25; and 1925 Police Pension Plan Pension Fund, \$63,239.63; Total Payroll: \$273,095.76.

Study Session Following Meeting. The Town Council President announced that the Town Council would be meeting in an informal Study Session immediately following the meeting to discuss matters with the Sanitary Board of Commissioners.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Zemen seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, April 14, 2014 was adjourned 7:42 O'clock p.m. A study session followed the plenary meeting.

Study Session. The Twenty Seventh Town Council of the Town of Highland, Lake County, Indiana met in a study session following the regular meeting on Monday, April 14, 2014 at 7:50 p.m. in the small conference meeting room adjoining the Building and Inspection Department of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dennis Adams, Konnie Kuiper and Dan Vassar were present. The Town Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Also present: Rhett Tauber, Town Attorney; John M. Bach, Public Works Director; Greg Cieslak, Mark Knesek, and Rich Garza of the Board of Sanitary Commissioners; and Robert Tweedle, Sanitary District Attorney; and Terry Hodnik, P.E., Engineer to the Sanitary District, were also present.

General Substance of Matters Discussed.

1. Greg Cieslak, as President of the Board of Sanitary Commissioners, introduced those in attendance and offered an overview of the issues confronting the Board of Sanitary Commissioners, including the U.S. E.P.A. administrative action urging the Sanitary District to produced a plan to reduce or eliminate the storm sewer overflows and discharges into the Little Calumet River.

Assisted by PowerPoint Software, Mr. Tweedle and Mr. Hodnik, made a presentation to the Town Council regarding the several proposed improvements deemed necessary to comply with a pending U.S.E.P.A. compliance enforcement and consent decree to reduced the storm sewer overflows.

It was reported that a Sewer System Evaluation Survey (SSES) had been conducted and was the basis for the several improvement projects. Owing to the age of the system it was reported that the sanitation (wastewater) sewers continue to experience profound inflow and infiltration that overwhelms the system during certain heavy rains. This causes flows in excess of the agreed upon capacity with the City of Hammond Sanitary District Treatment Plant.

A proposed joint storage project with the City of Hammond and the Town was discussed, noting that it is believed to be the most cost-effective improvement approach, but that the proposal was stalled owing to the City of Hammond Sanitary District attempting to re-open the current treatment agreement and impose increases in rates without resort to a cost of service study. The City of Hammond represented that it would not discuss the proposed joint project unless or until an interim agreement was approved allowing an increase in rates to be paid to the Sanitary District for treatment services.

It was noted that the current daily peak capacity allocated for Highland is 7.5 million gallons daily.

It was further noted that the Highland Sanitary District would propose to pursue the joint Hammond-Highland Storage option. If this did not move forward, the Town of Highland would need to add an estimated 8.5 gallons of storage. The siting of storage tanks was discussed and the comparative costs of locating the wastewater storage above ground, slightly below and fully below ground. The Engineer suggested that having above ground, sealed storage could add an estimated \$6.8 million dollars to the project cost over the above ground approach. The discussion included the economic development and psychological impact of having visible, above ground wastewater storage tanks. While no vote was conducted, some members of the Town Council expressed the preference for any tanks to be constructed below ground. There were no contrary opinions expressed.

The representatives of the Board of Sanitary Commissioners also reported that the solutions would be multilateral, including some upgrades to capacity at certain identified trouble spots in the system (Fifth Street Basin), continued sump-pump separation, and special lining of the existing sanitary sewers.

2. The Board of Sanitary Commissioners briefed the Town Council on the status of the contract and rate litigation between the City of Hammond, and the three customer communities of Griffith, Highland and Whiting. It was noted that the current contract was upheld by an initial trial level court, so current provisions in the treatment agreement remain in effect. It was noted that the City of Hammond has stated it would be appealing the matter.

The representatives and commissioners of the Highland Sanitary District departed at this time.

3. The Town Attorney briefed the Town Council regarding an inquiry made by Bob Kuva requesting a business license from the Town related to a home business he wishes to conduct from his residence at 8505 Cottage Grove Avenue, Highland, involving firearm sales over the internet. Mr. Kuva, represented by Attorney William Enslen, explained that there would be no inventory, no retail activity and no foot traffic in or around his home in consequence of the business. The Town Attorney indicated that the business should be licensed under the terms of our current ordinances and regulations, perhaps with some additional conditions.
4. The Town Attorney reported to the Town Council that he had been contacted regarding property located between Kleinman and Cline Avenues, north of Strack and Van Til's and currently used for farming by Scheeringa Farms, totaling approximately 20 acres. The owners expressed interest in possibly selling the property to the Town. The Town Attorney also reported that the Park Department commissioned an appraisal. These appraisals currently don't align with the desired price suggested by the owners.

The Town Council discussed the matter and its merits.

There being no further business, the study session immediately following the plenary business meeting of April 14, 2014 ended at 10:35 o'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer